CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

DECEMBER 6, 2005

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
Councilmembers Mariscal, Orach, Patino, and Mayor Lavagnino.

Councilmember Trujillo was absent.

INVOCATION:
Rick Haydon, Assistant City Manager, gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the pledge of allegiance.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, Assistant City Manager Haydon, City Attorney Trujillo, Police Chief Macagni, Director of Administrative Services Snodgrass, Director of Community Development Lindsey, Director of Recreation and Parks Posada, Fire Chief Ortiz, Director of Public Works Karp, Director of Utilities Chisam, City Engineer Sweet, Solid Waste Utilities Engineer Zhao, and Chief Deputy City Clerk Perez.

ANNOUNCEMENTS
Mayor Lavagnino announced that the beautiful wreath in the front of the Council Chambers had been donated by Connie Soto.

RESOLUTION HONORING PAUL KARP
Mayor Lavagnino read Resolution No. 2005-175 commending and congratulating Paul Karp, Director of Public Works for the City of Santa Maria, upon his retirement after fourteen years of faithful, distinguished, and devoted service to the City and the community.

Resolution No. 2005-175 was adopted on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Mariscal, Orach, Patino, and Mayor Lavagnino
NOES:	None
ABSENT:	Councilmember Trujillo
ABSTAIN:	None

Resolution No. 2005-175 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA COMMENDING SANTA MARIA DIRECTOR OF PUBLIC WORKS PAUL J. KARP FOR MORE THAN 14 YEARS OF OUTSTANDING SERVICE TO THE CITY OF SANTA MARIA AND CONGRATULATING HIM ON HIS RETIREMENT.

PROCLAMATION – NATIONAL GUARD AND RESERVE
Councilmember Mariscal read a proclamation honoring and supporting the men and women serving the country in the National Guard and Reserve and encouraging all Americans to join in expressing thanks to members of the National Guard and Reserve and their civilian employers for their patriotism and sacrifices on behalf of the Nation. The proclamation was accepted by Scott McLean.

PROCLAMATION - MDA FIRE FIGHTER APPRECIATION WEEK
A proclamation declaring the week of December 4 – 10, 2005, as MDA Fire Fighter Appreciation Week in the City of Santa Maria in honor of the efforts and dedication of

local fire fighters to the Muscular Dystrophy Association (MDA) and its fight against neuromuscular disease was withdrawn from the agenda.

PUBLIC COMMENT
Nicholas Andersen spoke regarding Judge Diana Hall.

CONSENT CALENDAR
Mayor Lavagnino pulled Items 3G and 3I. Councilmember Mariscal requested 3C and 3M be pulled for comment.

Item 3G – Entertainment License for MotionZ
City Manager Ness indicated the City Attorney's office had supplied revised language for Condition No. 7 to the Police Department's memorandum of conditions. He requested that the new language be included in a motion to approve.

Item 3C – California Space Center
Andrea Seastrand spoke on behalf of the California Space Authority and the proposed California Space Center. She explained what the Space Center would consist of.

Item 3I – Color Version of the Zoning Map
Laurie Tamura, Urban Planning Concepts, thanked the Community Development Department for their work on this new Zoning Map. She said it had been a work in progress for about a year. It is very user friendly and easy to read.

Item 3M – SMAT and Breeze Annual Report
Councilmember Mariscal commended the City's Engineering and Transit Divisions. There is an 18 percent increase in ridership in SMAT since the City has expanded service adding Sunday service and expanded hours. The Breeze is doing much better than anticipated.

Consent Calendar Items A through N were approved with the indicated action with the requested language change in Condition No. 7 to the Entertainment License for MotionZ on motion by Councilmember Orach, seconded by Councilmember Mariscal and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Trujillo
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar are adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of November 15, 2005, were approved as submitted.

C. CALIFORNIA SPACE CENTER
Resolution No. 2005-176 was adopted supporting the California Space Authority's proposed California Space Center outside of the main gate of Vandenberg Air Force Base.

Resolution No. 2005-176 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, IN SUPPORT OF THE CALIFORNIA SPACE AUTHORITY'S PROPOSED MULTI-PURPOSE CALIFORNIA SPACE CENTER TO BE LOCATED OUTSIDE THE MAIN GATE OF VANDENBERG AIR FORCE BASE.

D. RELEASE OF BOND
Council accepted as complete the McElhaney Sewer Trunkline improvements and authorized the release of a faithful performance bond in the reduced amount of $500,000 posted in connection with The Village, Tract 5846.

E. WARRANTS
Warrant Nos. 123832 to 124113 in the amount of $3,648,766.12 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services.

F. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads as shown on records on file in the Administrative Services Department and having been approved for payment by the Director of Administrative Services.

G. ENTERTAINMENT LICENSE
An Entertainment License for MotionZ at 218 Town Center East to allow musical entertainment in the form of area high school, junior college, and college bands on Friday and Saturday nights from 7:30 p.m. to 11:00 p.m. was approved with the language change to Condition No. 7 in the Police Department's Memorandum.

H. ORDINANCE NO. 2005-15
The second reading of Ordinance No. 2005-15, a rezoning of 8.35 acres to PD/R-3 (Planned Development/High Density Residential) for The Estates at Pacific Crest project located at the southwest corner of Battles Road and Depot Street, was conducted and the Ordinance was adopted.

Ordinance No. 2005-15 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REZONING 8.35 ACRES OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF BATTLES ROAD AND DEPOT STREET.

I. ORDINANCE NO. 2005-16
Ordinance No. 2005-16 approving a color version of the zoning map as the official zoning map of the City of Santa Maria and setting the purchase price for the color version of the zoning map at $25.00 was introduced by title only for first reading and continued to the next meeting for second reading and adoption.

Ordinance No. 2005-16 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE REFORMAT OF THE ZONING MAP OF THE CITY OF SANTA MARIA.

J. NO STOPPING ZONES
Resolution No. 2005-177 was adopted approving the establishment of no stopping zones on a portion of Foxenwood Lane between Wellington Drive and Foster Road.

Resolution No. 2005-177 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING NO STOPPING ZONES ON FOXENWOOD LAND PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

K. NOTICE OF COMPLETION
Council approved a Notice of Contract Completion for Street Overlay 2004, Bid No. 2005/07.

L. AWARD OF BID
Resolution No. 2005-178 was adopted awarding a bid and approving an agreement with American Modular Systems for Bid No. 2006/04, Atkinson Park Classrooms in the amount of $288,680.

Resolution No. 2005-178 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH AMERICAN MODULAR SYSTEMS, INC., FOR ATKINSON PARK CLASSROOMS, BID NO. 2006/04.

M. SMAT ANNUAL REPORT
The Annual Reports for the Santa Maria Area Transit (SMAT) and the Breeze were received and filed.

N. ANNEXING PARCELS

Resolutions No. 2005-179, 2005-180, and 2005-181 were adopted annexing and assessing six (6) parcels into the Northeast, South Miller/South College Drive, and Southwest Landscape and Lighting Districts.

Resolution No. 2005-179 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO ADCOCK MIXED USE AND WHITECAP STORAGE YARD LOCATED IN THE NORTHEAST LANDSCAPE MAINTENANCE DISTRICT (STREET AND HIGHWAYS CODE SECTION 22500, ET. SEQ.)

Resolution No. 2005-180 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO CENTENNIAL SQUARE LOCATED IN THE SOUTH MILLER STREET/SOUTH COLLEGE DRIVE LANDSCAPE MAINTENANCE DISTRICT (STREET AND HIGHWAYS CODE SECTION 22500, ET. SEQ.)

Resolution No. 2005-181 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO CROSSPOINT COMMUNITY CHURCH, ROBERT MANN PACKAGING, INC. AND PARKWAY MEDICAL CENTER CONDO LOCATED IN THE SOUTHWEST LANDSCAPE MAINTENANCE DISTRICT (STREET AND HIGHWAYS CODE SECTION 22500, ET. SEQ.)

TEFRA HEARING

Director of Administrative Services Snodgrass gave the staff report. Council is requested to conduct a public hearing under the Tax Equity and Fiscal Responsibility Act (TEFRA) of 1982 for the proposed California Shock Trauma Air Rescue (CALSTAR) refinancing and approve the issuance of bonds by the California Statewide Communities Development Authority. CALSTAR is a nonprofit organization founded in June 1983 that provides a medical transportation system available on a 24-hour basis to bring rapid, on-site medical care to critically ill or injured patients. CALSTAR's flight crews respond from fixed bases located in Auburn, Concord, Gilroy, Salinas, Santa Maria, South Lake Tahoe and Ukiah. CALSTAR will use the proceeds of the bonds to refinance an aircraft located at 3996 Mitchell Road in Santa Maria. The current interest rate on CALSTAR's outstanding loan is 6.9 percent, and the refinancing will reduce the rate to 4.93 percent. The bonds would be tax-exempt private activity bonds for the purposes of the Internal Revenue Code; and, as such, require the approval of the elected body of the governmental entity having jurisdiction over the area where the project being financed is located. The City will not be under any obligation to repay the bond indebtedness. The California Statewide Communities Development Authority is a California joint exercise of powers authority, organized and existing under the laws of the State of California, and is sponsored by the League of California Cities and the California State Association of Counties. To defray administrative expenses, the City collected a non-refundable application fee of $1,250 prior to the TEFRA hearing.

Councilmember Mariscal asked if the other City Council's from the other jurisdictions have approved the request.

James Hamill, California Statewide Communities Development Authority, indicated that all other resolutions have been approved.

Mayor Lavagnino opened the public hearing.

Hearing no further testimony, Mayor Lavagnino closed the public hearing.

Councilmember Orach indicated this was a valuable service and a positive use of TEFRA resources.

Resolution No. 2006-182 approving the issuance of the bonds was adopted on motion by Councilmember Orach, seconded by Councilmember Mariscal, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Trujillo
ABSTAIN: None

Resolution No. 2006-182 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR CALIFORNIA SHOCK TRAUMA AIR RESCUE.

PROPOSED ORDINANCE RELATED TO COMMERCIAL VEHICLES

City Attorney Trujillo gave the staff report. The proposed ordinance would amend subsection (h) of Section 5-6.202 of the Santa Maria Municipal Code to prohibit parking or storage of commercial vehicles on residential lots or parcels, subject to specific exceptions. The City's current ordinance regulates parking of commercial vehicles over 10,000 lbs. or more on public streets between the hours of 8:00 p.m. and 6:00 a.m. This ordinance is very effective at preventing large, commercial vehicles from parking in residential neighborhoods, but many commercial vehicles have gross vehicle weights of less than 10,000 lbs. The City cannot enact any ordinances that would regulate the parking of these small to mid-sized commercial vehicles on public streets. However, the City has authority to regulate commercial vehicle parking on residentially zoned lots or parcels. The proposed ordinance does not necessarily require all of the commercial vehicles listed to be removed from a residentially zoned parcel. Under the exceptions (proposed Section 5-6.202(h)(c)&(d)), most smaller to mid-sized commercial vehicles would be allowed to remain on a residential property as long as they are stored out of public view in a side yard, rear yard, or garage and do not exceed the maximum size, weight and space limitations. Storage out of public view would resolve most issues. The proposed ordinance is intended to address the problems created by commercial vehicles that are not associated with a home occupation but are brought home by workers or business owners. Another purpose of the proposed ordinance is to provide an enforcement tool to require removal of vehicles originally designed for commercial purposes, but that are not currently being used or maintained for commercial purposes.

Councilmember Mariscal stated near his house were two trucks with racks used by local contractors. If they park in the driveway, it would be a violation of this ordinance, but they could park on the street.

City Attorney Trujillo explained that it was true, they would not be able to park in the driveway, but could if they were screened from public view.

Councilmember Mariscal asked how the City was going to deal with enforcement by feuding neighbors. If a neighbor complains, will the Police Department go to the house and force the person to move the vehicle from the driveway out into the street.

City Attorney Trujillo explained that the typical Code Compliance enforcement process would be used.

Councilmember Orach indicated this was a good idea and would help Code Compliance deal with complaints.

Mayor Lavagnino stated this would be one more tool in the box for Code Compliance to work with.

Councilmember Patino stated she was pleased with the ordinance and thought it was a long time coming. She said she had received numerous complaints.

Councilmember Mariscal asked to have a report from the Code Compliance Division in six months on how this ordinance was working.

Ordinance No. 2005-17 amending the Municipal Code was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Trujillo
ABSTAIN: None

Ordinance No. 2005-17 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA AMENDING SUBSECTION (h) OF SECTION 5-6.202 OF THE SANTA MARIA MUNICIPAL CODE, RELATING TO COMMERCIAL VEHICLES IN RESIDENTIAL ZONES.

APPEAL OF RECREATION AND PARKS COMMISSION'S DECISION

Director of Recreation and Parks Posada gave the staff report. The property owners at 829 E. Orange Street requested removal of the Camphor tree fronting their residence based on the tree's limited growth space and the fact that the tree's roots have raised the street and curb, causing water to pool in front of the driveway approach. Additionally, the property owner indicated that the tree conflicts with their desire to widen the driveway approach. After an evaluation of the tree, the Recreation and Parks Department found that the tree is healthy and vigorous. Staff also found that the tree met the general description of a "Heritage Tree" under Santa Maria Municipal Code Section 8-8.02. The Public Works Department has done repair or replacement work to the asphalt and sidewalk three times in the past. The Recreation and Parks Commission reviewed the tree removal request at its meeting on October 11, 2005. By unanimous vote, the Commission denied the removal request. The Commission asked staff to work with the property owner and other City departments to find a mutually beneficial solution to the problem. Joe Arredondo from the Recreation and Parks Department and Bill Shipsey from the Community Development Department met with the property owner and presented a plan that would meet both the property owner's desire to widen the driveway, as well as save the tree. Staff informed the owner that the tree would be root pruned and the lifted sidewalk repaired. The property owner found this compromise unacceptable.

Kaniela Keuma spoke regarding his request to removal the tree. He distributed pictures showing a large branch that had recently fallen, areas where his walkway had risen and cracked causing trip hazards, and water pooling in front of his property. Since he moved there in 2004 several large branches had fallen, one almost onto his truck. If the tree was removed he would widen his drive approach from the current six feet. The walkway to his house is a trip hazard. The sidewalk in front of his house is cracked. He doesn't allow his children to play out front because of the branches dropping. He also doesn't park his truck in the driveway. The tree will continue to crack his driveway and walkway. He asked if the City would pay for repairs to his driveway.

Mayor Lavagnino explained that the pavement by his house was lifted by trees as well and that was part of the charm of living in the older sections of Santa Maria. It would be impossible for him to approve the removal of that tree so that he could widen his driveway. He asked why the branches were dropping if it was a healthy tree.

Mrs. Keuma stated they really liked the trees, they were beautiful. The tree was lifting up the sidewalk and it would only get worse. They didn't want tree branches to fall on their children. They want to expand their driveway for their vehicles. They have four vehicles. They want to put brick in the driveway and were concerned about the new driveway being destroyed by the tree.

City Attorney Trujillo stated any property owner could submit a claim to the City Clerk for damage to their property if they believe that a City street tree caused the damage.

Councilmember Orach asked Mr. Keuma why they couldn't widen their driveway without widening the approach. He asked if they didn't want to widen their approach as recommended by City staff as long as the tree was still there. He asked the Director of Recreation and Parks how often root pruning was done.

Director Posada explained that there was not a regular schedule. It was usually done when the Public Works Department was planning to repair the sidewalk or asphalt.

Mayor Lavagnino asked Arborist Bailey Hudson if there was a way to prune the tree to keep the branches from falling.

Mr. Hudson explained how the tree could be pruned and expressed his concerns regarding removing the tree.

Councilmember Mariscal stated he visited the property today and didn't see any large cracks in the sidewalk. The sidewalk looked pretty nice. The first part of the driveway was lifted. He asked about the alley in the rear of the property and if the City allowed ingress and egress to the rear of the property. He asked Mr. Keuma if he had considered using the rear of the property.

Mr. Keuma indicated his property was an R-2 lot and he hoped to build another residence on the property at a later time. Access for the tenant would be provided from the rear. He said he didn't want to drive his truck in the alley which was very narrow and dirty.

Director Posada indicated that if the Council chose to grant the appeal, the applicant would be required to obtain a permit and pay the full cost of removing the tree and replacing it.

Councilmember Mariscal stated the canopy was stunning when you drive down Orange Street. He said he was concerned about the branches falling. He said he would be making the motion to deny the appeal, but he wanted the Recreation and Parks Department to keep an eye on the tree and branches falling and bring it back if it continued to be a problem.

Resolution No. 2005-183 was adopted upholding the recommendation of the Recreation and Parks Commission and denying the appeal on motion by Councilmember Mariscal, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Trujillo
ABSTAIN: None

Resolution No. 2005-183 adopted. A RESOLUTION OF THE CITY OF SANTA MARIA CITY COUNCIL UPHOLDING THE RECOMMENDATION OF THE RECREATION AND PARKS COMMISSION TO RETAIN THE CITY TREE LOCATED AT 829 EAST ORANGE STREET.

REPORT BY CITY MANAGER

City Manager Ness reported on items for the next regular City Council meeting on December 20, 2005, including presentations to the Lights, Sights and Holidays Nights Decorating Contest winners, appointment of Mayor Pro Tem, appointment of a Planning Commissioner, a proposed stipend increase for Planning Commissioners and Recreation and Parks Commissioners, a Recreation and Parks Commission recommendation regarding Rodenberger Park, and finally cost assessments for Weed Abatement remows.

ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS

Councilmember Patino commented on the grant received by the Sheriff's Department for a study and implementation of a reentry program for people who served time in State and County jails.

Last week she was in San Jose for a CSAC meeting. One of the workshops was the President of the National Counties Association. One of his initiatives is getting people more informed and educated on methamphetamine (meth). That was very interesting. The Santa Maria Fighting Back group who is also fighting the meth problem in Santa Maria received a grant from the Marian Medical Center.

Councilmember Mariscal thanked the Council for their support for the Food Bank. Just before Thanksgiving they were substantially behind. The Council presented $935 to the Food Bank. He also commended Altrusa for the display of Christmas trees in the mall. It is a wonderful way to raise funds which they use for scholarships.

Mayor Lavagnino reported on the Rotary Holiday Parade. It was a great, great parade and gets better every year.

Councilmember Orach stated he had planned to ride in the parade and collect canned goods; however, he was ill that night.

CLOSED SESSION
The City Council recessed to a Closed Session at 8:13 p.m. for Conference with Legal Counsel regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District v. City of Santa Maria; and Conference with Labor Negotiator pursuant to Government Code Section 54957.6 -- Agency representative: Assistant City Manager, Employee organizations: Santa Maria Police Officers Association and Non-Represented Management & Confidential Employees

After the Closed Session, the following was announced:

Santa Maria Valley Water Conservation District v. City of Santa Maria – Withdrawn from the Closed Session agenda.

Conference with Labor Negotiator re: Santa Maria Police Officers Association – Direction to staff.

Conference with Labor Negotiator re: Non-Represented Management & Confidential Employees – Direction to staff.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned at 8:35 p.m. by order of Mayor Lavagnino.

APPROVED

December 20, 2005
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST:
Chief Deputy City Clerk

Mayor of the City of Santa Maria